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Attorneys for Defendant
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**
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1 GENENTECH, INC.,)
2 Plaintiff,)
3 vs.)
4 THE TRUSTEES OF THE UNIVERSITY OF)
5 PENNSYLVANIA, a Pennsylvania non-profit)
6 corporation,)
7 Defendant.)
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Case No: 5:10-CV-2037-LHK (PSG)
**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
TECHNICAL EXPERTS DURING
CLAIM CONSTRUCTION**
Hearing Date: December 8, 2010
Time: 2:00 p.m.
Judge: Hon. Lucy H. Koh

1 WHEREAS defendant the Trustees of the University of Pennsylvania (“the University”) and
2 plaintiff Genentech, Inc. (“Genentech”) have met and conferred regarding the use of technical expert
3 testimony in connection with claim construction in this matter;

4 THE PARTIES THEREFORE AGREE as follows:

- 5 1. The parties will meet and confer by Tuesday, December 14, 2010, to further explain
6 the technical expert subjects to be addressed by each party.
 - 7 2. The parties will simultaneously exchange technical expert declarations on January 7,
8 2011.
 - 9 3. The depositions of the technical experts will be conducted thereafter and will be
10 concluded by February 4, 2010.
 - 11 4. The parties jointly request that the Court reset the filing date for the Joint Claim
12 Construction and Prehearing Statement, currently December 21, 2010, to January 7,
13 2011.
 - 14 5. The parties will not call technical experts at the Markman hearing to give live
15 testimony, unless the Court so requests.
 - 16 6. The remaining dates set by the Court in the initial case management order or in
17 subsequent orders should remain unchanged.
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1 SO STIPULATED:

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3 Respectfully submitted,

4 Dated: December 8, 2010

SIDLEY AUSTIN LLP

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7 By: /s/
M. PATRICIA THAYER

8 Attorneys for Plaintiff GENENTECH, INC.

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10 Dated: December 8, 2010

IRELL & MANELLA LLP

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12 By: /s/
13 GARY N. FRISCHLING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

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27 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the
28 document has been obtained from Gary N. Frischling.

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PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The filing date for the Joint Claim Construction and Prehearing Statement, currently set for December 21, 2010, is reset for January 7, 2011.

SO ORDERED.

Dated: ____ December 10 __, 2010



LUCY H. KOH
United States District Judge